

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

DONALD P. SPEAKMAN, STEPHEN H.
WEDEL and MARK L. ROBARE,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

V.

ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO. and
ALLMERICA FINANCIAL CORP.

Defendants.

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Civil Action No. 4:04-cv-40077-FDS

**PLAINTIFFS' MOTION FOR ENTRY OF PROTECTIVE ORDER
CONCERNING CONFIDENTIALITY OF DOCUMENTS AND INFORMATION**

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ATTORNEYS FOR PLAINTIFFS

INTRODUCTION

Plaintiffs make the following Motion for Entry of Protective Order Concerning Confidentiality of Documents and Information:

1. Each of the parties has information that has been requested in discovery that each believes is confidential within the meaning of Fed. R. Civ. P. 26(c)(7).

2. Since August 8, the parties have been engaged in discussions regarding the terms of a Protective Order to protect information that is designated as confidential.

3. While Plaintiffs believed that on August 11, the parties had reached an accord as to the terms of the Protective Order, recent developments have dispelled that belief.

4. The apparent dispute concerning the terms of the Protective Order deals with one issue; namely, the right of Defendants to turn over documents or other information that is designated by Plaintiffs as confidential to governmental agencies without compulsory process issued by such agencies. Absent this litigation, there is certain information of Plaintiffs to which Defendants would never have access. Plaintiffs are greatly concerned that, in light of the nature of this litigation, Defendants may provide information to regulatory agencies that could spark inquiries as to Plaintiffs. While Plaintiffs are confident that they have adhered to all regulatory requirements, Defendants are fully aware of the inordinate time and expense that such regulatory inquiries would impose on Plaintiffs.

5. Plaintiffs submit that the [Proposed] Protective Order attached as Exhibit 8 to Plaintiffs' Memorandum In Support of Motion for Entry of Protective Order Concerning Confidentiality of Documents and Information accommodates the needs of both Plaintiffs and Defendants.

WHEREFORE, based upon the above, Plaintiffs request that the Court enter the [Proposed] Protective Order attached as Exhibit 8 to Plaintiffs' Memorandum.

Dated: September 13, 2005

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I, Robert W. Biederman, Esquire, Hubbard & Biederman, LLP, counsel for Plaintiffs, hereby certify that on September 12, 2005, David Grossman, Esquire, Hubbard & Biederman, LLP, counsel for Plaintiffs, conferred via e-mail with Eric Levin, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants, regarding the within Motion in a good faith attempt to resolve or narrow the issues. Defendants oppose the Motion.

/s/ Robert W. Biederman
Robert W. Biederman

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail on this the 13th day of September, 2005, to the following:

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